



Senate

General Assembly

File No. 13

February Session, 2008

Substitute Senate Bill No. 136

Senate, March 11, 2008

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT PLACING A MORATORIUM ON CERTAIN ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-430 of the general statutes is amended by
2 adding subsections (l) to (n), inclusive, as follows (*Effective from*
3 *passage*):

4 (NEW) (l) Notwithstanding any provision of the general statutes or
5 any regulation adopted under any provision of the general statutes
6 and except as provided in subsection (m) of this section, the
7 commissioner, after the effective date of this section and until two
8 years after the effective date of this section, shall not issue a permit for
9 or accept any application for a permit for an alternative on-site sewage
10 treatment system with a capacity greater than five thousand gallons
11 per day, nor shall any such system be constructed within such time
12 period, except as provided in subsection (m) of this section.

13 (NEW) (m) Notwithstanding the provisions of subsection (l) of this

14 section, the commissioner may accept application for and, within said
 15 commissioner's discretion, may issue a permit for and allow the
 16 installation of an alternative on-site sewage treatment system with a
 17 capacity greater than five thousand gallons per day, if such treatment
 18 system is not located within the boundaries of any aquifer protection
 19 area, as defined in section 22a-354h or by regulations adopted
 20 pursuant to title 22a, and such treatment system: (1) Addresses failures
 21 of an existing subsurface sewage disposal system, provided the
 22 proposed treatment system capacity does not exceed the capacity of
 23 the failed system; (2) is necessary to remediate existing pollution
 24 associated with an individual septic system or systems; (3) is necessary
 25 to remediate community pollution within a decentralized wastewater
 26 management district, established by a municipality pursuant to section
 27 7-247; or (4) is necessary for the expansion of an existing municipal or
 28 public school project, or for new construction of a municipal or public
 29 school project.

30 (NEW) (n) Not later than two years after the effective date of this
 31 section, the Commissioner of Environmental Protection shall
 32 determine, after notice and public hearing, whether alternative on-site
 33 sewage treatment systems with capacities greater than five thousand
 34 gallons per day perform, in accordance with applicable federal and
 35 state standards, in a manner that will not impair the natural resources
 36 of the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	22a-430

ENV Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Environmental Protection	EQ - Revenue Loss	Minimal	Minimal

Note: EQ=Environmental Quality Fund

Municipal Impact: None

Explanation

The bill results in a minimal revenue loss, since there would be a moratorium on certain sewage treatment systems. The application fee for an alternative on-site sewage treatment system is \$4,725, and once issued (which may be many years after the initial application) there is an annual fee of \$885.

There are 52 alternative on-site sewage treatment systems in the state. One permit was issued in FY 07 by DEP and eight notices of tentative determination (decision to issue a permit) were issued.

The actual Environmental Quality (EQ) Fund balance for FY 07 is \$11.6 million and the estimated fund balance for FY 08 is \$10.5 million. The EQ fund is used to fund a variety of activities in support of environmental quality programs, especially those related to permit issuance, monitoring, and enforcement and is funded mainly through permit and license fees.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of permits not processed as a result of the bill.

OLR Bill Analysis**sSB 136*****AN ACT PLACING A MORATORIUM ON CERTAIN ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEMS*****SUMMARY:**

This bill prohibits, for two years following its passage, the permitting or construction of alternative on-site sewage treatment systems with a daily capacity greater than 5,000 gallons. But it exempts from the ban systems that are not located within the boundaries of an aquifer protection area if they (1) replace failed septic systems of the same or greater capacity, or (2) are needed to (a) build new municipal or public school projects or expand existing ones, or (b) remediate certain pollution.

It requires the Department of Environmental Protection (DEP) commissioner to determine, by the end of the two-year moratorium, whether alternative systems perform according to applicable state and federal standards and in a way that does not impair the state's natural resources. Current law bars the commissioner, with certain exceptions, from permitting the installation of these alternative systems in drinking water supply watersheds.

EFFECTIVE DATE: Upon passage

ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEM PERMIT PROCESS

Current law bars the DEP commissioner from permitting the installation of alternative on-site sewage treatment systems in drinking water supply watersheds unless the system is (1) the only feasible solution to an existing pollution problem and the alternative system's capacity is no greater than that of the system it would replace or (2) to expand an existing municipal or public school project or for new

construction of a municipal or public school project on an existing municipal or public school site in a municipality in which most of the land is within a drinking water supply watershed. Drinking water supply watersheds are areas from which water drains into a public water supply, such as a reservoir.

The bill prohibits, for two years following its passage, the commissioner from permitting, or accepting permit applications for, most such alternative on-site sewage treatment systems with a capacity of more than 5,000 gallons a day. It also prohibits construction of these systems during the two-year period. (A typical single-family house would generally require a capacity of less than 1,000 gallons a day.) The moratorium on these systems applies statewide, not just in drinking water supply watersheds.

Exceptions

However, the bill allows the commissioner to accept a permit application for, and permit and allow the installation of, certain alternative on-site systems during the moratorium, as long as they are not within any aquifer protection area. It exempts an alternative sewage treatment system:

1. proposed to replace a failed septic system, if the capacity of the alternative on-site system is no greater than that of the system it will replace;
2. needed to remediate (a) pollution associated with an individual septic system or systems or (b) community pollution in a decentralized wastewater management district, or
3. needed to build new municipal or public school projects or to expand existing ones.

BACKGROUND

Aquifers and Aquifer Protection Areas

An aquifer is an underground geologic formation that provides

water to wells and springs. Water flows to wells from contribution areas and to contribution areas from recharge areas. An aquifer protection area consists of well fields, and contribution and recharge areas identified on DEP-approved maps, within which land uses or activities are required to comply with regulations a municipality adopts according to CGS § 22a-354o.

Alternative On-Site Sewage Treatment Disposal System

These alternative systems (1) serve one or more buildings on one property, (2) use a treatment method other than a septic system, and (3) discharge domestic sewage to state groundwaters (CGS § 19a-35a).

Decentralized Wastewater Management District

A municipality designates such a district by ordinance when an engineering report determines that the existing septic systems may be detrimental to public health or the environment and that decentralized systems are required (CGS § 7-245).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 18 Nay 9 (02/29/2008)